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U.S. Asks Return of Papers Used in Houghton Book

A book to be published this fall by Houghton Mifflin contains some inadvertently declassified documents about the supersecret National Security Agency, and the federal government wants them back. The author says no, that they are important to his book and that they have already been shared with a British journalist.

V. James Bamford's "Puzzle Palace: A Report on America's Most Secret Agency" is tentatively scheduled for publication in October, and the free publicity the Justice Department has given it by trying to correct the government's own "Catch-22" of rules promises to boost its initial press run to a "pretty healthy printing" beyond the original plan of 10,000.

So far, the federal government has made no plans for legal action, a Justice spokesperson said, but it has suggested that litigation is possible, probably after publication. "There are options," the spokesperson told *PW*. Robie Macauley, senior editor at Houghton Mifflin, said one Justice letter asking for return of the material stated "we reserve the right to take action after publication."

Bamford's attorney in the matter is Mark Lynch of the American Civil Liberties Union, who has represented other authors, including Frank Snepp, in First Amendment cases.

The book, which Bamford hopes is "The book on NSA," offers insights into the government spy agency that has been even more secretive than the Central Intelligence Agency. Ironically, Bamford told *PW* in a telephone interview from his home in Boston, the disputed documents led to only two or three pages in a 500-page book and comprise only a minute portion of the "shelves and shelves" worth of material he got from the National Archives, military archives and others.

Much of the information about NSA came from some of the first interviews ever granted outsiders (most on the record), admissions of illegal activities, and even a tour of the electronic spy agency that few Americans even know exists.

According to Bamford, he had learned of the existence of documents the Justice Department had in a 1975 criminal proceeding involving NSA and CIA.

"The Justice Department felt that giving the National Security Agency review of the documents before they released them to me might thwart the justice system by giving the NSA the opportunity to review their own criminal file," Bamford said. Therefore, he asked for the documents in the case under a Freedom of Information Act filing in the fall of 1978, and they were released to him nine months later.

NSA and CIA found out about the papers released to him and requested copies, Bamford said. When they were turned over, NSA told Justice the documents contained classified information and should never have been released. Justice took no action. But, coincidentally or not, the department began trying to get the documents back after the Reagan administration took over, Bamford said.

Bamford also didn't know the importance of the documents to the spy agencies. "I just had them sitting over in my corner and two years later I got a call from the Justice Department saying they want them back." By that time, he said, "that part of the book had already been finished and to the publishers," and a document had been made available to a British journalist because of the revelation in "one key sentence" of the existence of exchanges of wiretap information between NSA and its even more secret British counterpart, General Communications Headquarters (GCHQ).

The sentence, Bamford said, referred to the cooperation of the two agencies in "an illegal American operation code-named 'Minaret,' where GCHQ supplied NSA with tapes of intercepted communications of an illegal operation aimed at domestic dissidents and antiwar protestors," including actress Jane Fonda, Dr. Martin Luther King and Dr. Benjamin Spock, among others.

Houghton Mifflin's Macauley said the British tie-in would help sales in that country and that a British edition of "Puzzle Palace" was planned, but that no agreement had been signed with a publisher there. He and Bamford said the British and other foreign angles comprise only about 5% of the book.

Despite discussions with Justice officials, Bamford said no amicable solution has been reached. In light of planned publication and a copy being in the hands of a British journalist, Bamford said he couldn't understand why Justice continued to pursue the matter. The material was important to his book, he said, and "there really wasn't much room for negotiation."

Macauley didn't appear saddened by the publicity, primarily generated in two successive stories in the *New York Times*. Promotion and first-printing plans will be made at a sales conference in May, he said.

H.F.